

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

DAVID MONTES RIVERA

DEBTOR

CASE NO. 10-4381
CHAPTER 13

MOTION REQUESTING DISMISSAL OF THE CASE

TO THE HONORABLE COURT:

COMES NOW, THE CHILD SUPPORT ADMINISTRATION (hereinafter "ASUME"), a party with interest in this case, through the undersigned attorney, and hereby respectfully states and prays:

1. This case was filed on May 21, 2010. ASUME filed a Proof of Claim on behalf of Ms. Nilda Rivera for the amount of \$4,046.92 case number 0341847. (Pre petition arrears)

2. Debtor has not complied with Section 1307(c)(11) of the Bankruptcy Code, which establishes that it is cause for dismissal the failure of the debtor to pay his domestic support obligation.

3. Debtor owes the amount of \$1,476.71 post petition arrears. **(Exhibit 1)**.

4. In view of the arrears as a result of the failure to comply with current payments of child support, ASUME

requests this Honorable Court to order the dismissal of the case.

5. As per investigation performed at the Department of Defense Manpower Data Center, and according to our records, Debtor is not in active military duty. Unsworn Statement under Penalty of Perjury is attached with the pertinent Military Status Report of the Department of Defense. **(Exhibit 1)**

RESPECTFULLY SUBMITTED

WHEREFORE, movant respectfully prays that this motion be granted and that an order dismissing this case be entered for cause pursuant to 11 U.S.C. §1307(c)(11) for the reasons herein set forth.

30 DAYS NOTICE: Pursuant to General Order No. 05-09, the Debtor(s), his/her/their counsel of record, and all those parties in interest who have filed a notice of appearance in this case, are hereby notified that unless a party in interest files an objection hereto within 30 days from the date of this notice, the case may be dismissed or converted without the need of further notice or hearing.

I HEREBY CERTIFY: That on this same date I electronically filed the foregoing with the clerk of the court, using CM/ECF system which will send notification to all those who in this case have registered for receipt of notice by electronic mail. I further certify that a copy was sent by regular mail to the non CM/ECF participants: debtor (s) and parties in interest using creditors mailing matrix address list.

In Ponce, Puerto Rico, this September 14, 2011.

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